



Chad M. Shandler
302-651-7836
shandler@rlf.com

August 8, 2008

BY ELECTRONIC MAIL
AND HAND DELIVERY

The Honorable Vincent J. Poppiti
Blank Rome LLP
Chase Manhattan Centre, Suite 800
1201 Market Street
Wilmington, DE 19801-4226

Re: Honeywell, et al. v. Apple Computer, et al.
C.A. 04-1338-JJF (Consolidated)

Dear Judge Poppiti:

Responding to Honeywell's letter of August 5, 2008 (D.I. 1126), Eastman Kodak Company opposes Honeywell's effort to seek discovery from the customer defendants on commercial success. Honeywell's proposal yet again seeks to place the burden of identifying allegedly infringing products on the customers rather than on Honeywell, where it belongs. As noted by other customer defendants, numerous objections have been lodged to Honeywell seeking discovery on this issue. Most importantly, however, Kodak objects to this issue being decided along with the decision the Court intends to issue today regarding the scope of the accused products.

Respectfully submitted,

/s/ Chad M. Shandler #3796

CMS/ps

Chad M. Shandler #3796

cc: Clerk of the Court (via Electronic Filing)
All Counsel of Record (via e-mail)

■ ■ ■